

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM F. GLACKEN,

Plaintiff,

- against -

ORDER
09 CV 4832 (DRH)(AKT)

THE INCORPORATED VILLAGE OF FREEPORT;
ANDREW HARDWICK, in his official capacity as
Mayor of the Incorporated Village of Freeport and
Individually; the BOARD OF TRUSTEES FOR
THE INCORPORATED VILLAGE OF FREEPORT;
HOWARD COLTON, individually and in his official
capacity as Village Attorney for the Incorporated
Village of Freeport; DENNIS WARREN, individually;
JOHN DOE #1; JOHN DOE #2; JOHN DOE #3;
JANE DOE #1; and JANE DOE #2,

Defendants.

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HURLEY, District Judge:

Before the Court is the Report and Recommendation (“Report”) of Magistrate Judge A. Kathleen Tomlinson, which recommends that the defendant “The Board of Trustees for the Incorporated Village of Freeport” be dismissed as it is not a suable entity. (*See Report, generally*, docket no. 91.) Defendant was served with a copy of the Report (*see* docket no. 92), and more than fourteen days have elapsed since such service without objections from either party.

Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where no objections thereto are filed, the Court may adopt the report “if there is no clear error on the face of the record.” *W. v. New York*, No. 08-CV-6916 (KMK)(GAY), 2012 U.S. Dist. LEXIS 25712 (S.D.N.Y. Feb. 27, 2012)(citation omitted).

Finding no clear error, and largely for the reasons stated in the Report, the Court adopts Judge Tomlinson's recommendation that the defendant Board of Trustees for the Incorporated Village of Freeport should be dismissed from this action. The Clerk of Court is directed to reflect the termination of this defendant on the docket sheet.

SO ORDERED.

Dated: Central Islip, New York
March 15, 2012

 /s
Denis R. Hurley
Unites States District Judge